

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIS ADVANCED SOFTWARE SYSTEMS,
LTD.,

Plaintiff,

v.

Civil Action No. 04cv11960 (RWZ)

RED BEND SOFTWARE, INC., RED BEND,
LTD., TIME WARNER INC.,
ICQ, INC., INSTALLSHIELD SOFTWARE
CORP., and SCANSOFT, INC.,

Defendants.

SECOND AMENDED SCHEDULING ORDER

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1, a Scheduling Conference was held on January 27, 2005. On August 5, 2005, Plaintiff filed its Motion to Amend the Scheduling Order. For good cause shown,

It is hereby ORDERED

1. Disclosures under Rule 26(a)(1) are waived;
2. Defendants shall state whether they will rely on the advice-of-counsel defense to willfulness on or before July 11, 2005;
3. Fact discovery shall be completed by February 3, 2006;
4. Disclosures under Rule 26(a)(2) will be made according to the following schedule:
 - a. Expert reports for which the serving party has the burden of proof shall be exchanged by January 1, 2006; and

- b. Expert reports for which the serving party does not have the burden of proof shall be exchanged by March 1, 2006;
5. Expert discovery shall be completed by April 1, 2006;
6. The discovery event limitations set forth Local Rule 26.1(C) shall apply;
7. Plaintiff shall identify the claims in issue, and then the parties shall meet and confer to identify any claim terms in dispute by no later than March 1, 2006;
8. All summary judgment and *Daubert* motions shall be filed by May 25, 2006;
9. Plaintiff's *Markman* brief shall be filed by May 25, 2006;
10. All briefs in opposition to summary judgment and *Daubert* motions shall be filed by June 27, 2006;
11. Defendants' *Markman* brief shall be filed by June 27, 2006;
12. Any reply briefs on summary judgment and *Daubert* motions as well as Plaintiff's reply on *Markman*, if any, shall be filed by July 13, 2006. Reply briefs shall be no longer than five pages.

Rya W. Zobel
United States District Judge